

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS MANWELL DAWSON,

No. 2:21-cv-00510-DC-AC (PC)

Plaintiff,

v.

JEFF LYNCH, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

Defendants.

(Doc. No. 51)

Plaintiff Carlos Manwell Dawson is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 26, 2024, the assigned magistrate judge screened Plaintiff's operative second amended complaint and found Plaintiff had stated the following cognizable claims: (i) deliberate indifference to serious medical needs and retaliation against Defendant Soltanian-Zadeh based on the discontinuation of Plaintiff's disability verifications and chronos; (ii) deliberate indifference to serious medical needs against Defendant Bobbala for refusing to reinstate the verifications and chronos; (iii) deliberate indifference to serious medical needs against Defendant Uddin for discontinuing his orthotics; and (iv) deliberate indifference to serious medical needs against Defendant Ma for refusing to treat his injuries after being assaulted. (Doc. No. 51.) The magistrate judge found Plaintiff failed to state any other cognizable claims against those

1 defendants and failed to state any cognizable claims against Defendants Rattan, Roth, Ybarra, and
2 Lynch. (*Id.*) In addition, because Plaintiff already had two opportunities to amend the complaint,
3 the magistrate judge concluded that granting further leave to amend would be futile. (*Id.* at 9.)

4 Accordingly, on June 26, 2024, the assigned magistrate judge issued findings and
5 recommendations recommending that this action proceed only on the claims found to be
6 cognizable in that screening order and that all other claims and defendants be dismissed from this
7 action due to plaintiff's failure to state a cognizable claim against them. (*Id.* at 10.) The pending
8 findings and recommendations were served on plaintiff and contained notice that any objections
9 thereto were to be filed within twenty-one (21) days after service. (*Id.* at 10–11.) Despite
10 receiving several extensions of time in which to do so (see Doc. Nos. 59, 60, 63–66), to date, no
11 objections have been filed, and the time in which to do so has passed.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
13 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
14 findings and recommendations are supported by the record and proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued on June 26, 2024 (Doc. No. 51) are
17 adopted in full;
- 18 2. This action shall proceed on Plaintiff's claims of deliberate indifference to serious
19 medical needs and retaliation against Defendant Soltanian-Zadeh based on the
20 discontinuation of Plaintiff's disability verifications and chronos; claim of
21 deliberate indifference to serious medical needs against Defendant Bobbala for
22 refusing to reinstate the verifications and chronos; claim of deliberate indifference
23 to serious medical needs against Defendant Uddin for discontinuing his orthotics;
24 and claim of deliberate indifference to serious medical needs against Defendant
25 Ma for refusing to treat his injuries after being assaulted;
- 26 3. All other claims brought by Plaintiff in this action are dismissed;
- 27 4. Defendants Rattan, Roth, Ybarra, and Lynch are dismissed as defendants in this
28 action;

5. The Clerk of the Court is directed to update the docket to reflect that Defendants Rattan, Roth, Ybarra, and Lynch have been terminated from this action; and
6. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **November 19, 2024**


Dena Coggins
United States District Judge